

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILMORT FRAISAR,)
Plaintiff,)
v.)
PENNSYLVANIA DEPARTMENT OF) Civil Action No. 07-1085
CORRECTIONS, *et al.*,) Chief Judge Ambrose
Defendants.) Magistrate Judge Caiazza

MEMORANDUM ORDER

Wilmort Fraisar's ("Fraisar" or "the Plaintiff") Complaint was removed from the Court of Common Pleas of Fayette County, Pennsylvania on August 3, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b) (1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Defendants filed a Motion to Dismiss or in the Alternative for Summary Judgment (Doc. 10) which, was treated as a motion for summary judgment (Doc. 12). The Magistrate Judge's Report, filed on April 25, 2008, recommended that the Defendants' Motion for Summary Judgment (Doc. 10) be granted, and that the Plaintiff's Motion for Relief (Doc. 13) be denied. The parties were allowed ten days from the date of service to file objections. The Plaintiff's objections were filed on May 9, 2008.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, and the

objections filed thereto, the following ORDER is entered:

AND NOW, this 9th day of May, 2008,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss or for Summary Judgment (Doc. 10) is GRANTED, and that the Plaintiff's Motion for Relief (Doc. 13) is DENIED.

IT IS FURTHER ORDERED that Fraisar's "MOTION Subpoena of Witnesses and CD'S and DVD'S and or Both Tapes and Video's Tapes" (Doc. 22) is DENIED in light of the grant of summary judgment.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 20), dated April 25, 2008, is adopted as the opinion of the court.

s/Donetta Ambrose
Donetta Ambrose
Chief U.S. District Court Judge

CC:
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